

State of Wisconsin



2017 Senate Bill 308

Date of enactment: **December 8, 2017**

Date of publication*: **December 9, 2017**

2017 WISCONSIN ACT 131

AN ACT *to renumber and amend* 944.31; *to amend* 51.20 (13) (cr), 165.76 (1) (am), 938.34 (15) (a) 1. and 971.17 (1m) (a) 1.; and *to create* 944.31 (2) of the statutes; **relating to**: patronizing a prostitute and providing a criminal penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 51.20 (13) (cr) of the statutes is amended to read:

51.20 (13) (cr) If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation that would be a felony if committed by an adult in this state or a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b), the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the individual that he or she may request expungement under s. 165.77 (4).

SECTION 2. 165.76 (1) (am) of the statutes is amended to read:

165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b).

SECTION 3. 938.34 (15) (a) 1. of the statutes is amended to read:

938.34 (15) (a) 1. If the juvenile is adjudicated delinquent on the basis of a violation that would be a felony if

committed by an adult in this state or of a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b), the court shall require the juvenile to comply with the requirement under s. 165.76 (1) (am) by providing a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile that he or she may request expungement under s. 165.77 (4).

SECTION 4. 944.31 of the statutes is renumbered 944.31 (intro.) and amended to read:

944.31 Patronizing prostitutes. (intro.) Any person who enters or remains in any place of prostitution with intent to have nonmarital sexual intercourse or to commit an act of sexual gratification, in public or in private, involving the sex organ of one person and the mouth or anus of another, masturbation or sexual contact with a prostitute is guilty of the following:

(1) For a first or 2nd violation, a Class A misdemeanor.

SECTION 5. 944.31 (2) of the statutes is created to read:

944.31 (2) For a 3rd or subsequent violation, a Class I felony.

SECTION 6. 971.17 (1m) (a) 1. of the statutes is amended to read:

971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason of mental disease or defect for

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

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a felony or a violation of s. 165.765 (1), 2011 stats., or of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31 (1), 944.33, 946.52, or 948.10 (1) (b), the court shall require the person to provide a biological specimen to the

state crime laboratories for deoxyribonucleic acid analysis. The judge shall inform the person that he or she may request expungement under s. 165.77 (4).
